

# **Exhibit A**

7/26

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**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

Erica Smith-Klocek  
215-963-5364  
esklocek@morganlewis.com

RECEIVED

JUL 27 2005

HAGENS BERMAN SLOB SHAPIRO LLP

July 26, 2005

**VIA TELECOPY AND OVERNIGHT DELIVERY**

Steve W. Berman, Esquire  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue  
Suite 2900  
Seattle, WA 98101

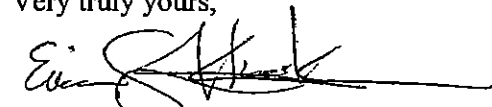
Re: In re Pharmaceutical Industry AWP Litigation, MDL No. 1456

Dear Steve:

Enclosed are three CDs containing a production of documents from Pharmacia bearing the document identification numbers PH-037106 through PH-063479, inclusive.

I have also enclosed a list of the package sizes of each NDC for which we provided data last summer, numbered PH-063480 through PH-063485. The AMP data contained in that set was at a per-unit (ie: per pill) basis, while the WAC and AWP information was for the entire package. We continue to follow up on the issues identified in your earlier letter regarding areas of missing data.

Very truly yours,



Erica Smith-Klocek

ESK/ss

Enclosures

cc: John C. Dodds, Esquire (w/o enclosures)  
Scott A. Stempel, Esquire (w/o enclosures)

## Pfizer and Pharmacia Drugs -- Package Sizes

ACCUPRIL	TAB	10MG	00071-0530-23	90.00	Pfizer
ACCUPRIL	TAB	10MG	00071-0530-40	100.00	Pfizer
ACCUPRIL	TAB	20MG	00071-0532-23	90.00	Pfizer
ACCUPRIL	TAB	20MG	00071-0532-40	100.00	Pfizer
ACCUPRIL	TAB	20MG	00071-0532-23	90.00	Pfizer
ACCUPRIL	TAB	40MG	00071-0535-23	90.00	Pfizer
ACCUPRIL	TAB	5MG	00071-0527-23	90.00	Pfizer
ACCUPRIL	TAB	5MG	00071-0527-40	100.00	Pfizer
ACCURETIC	TAB	10MG/12.5MG	00071-0222-06	30.00	Pfizer
ACCURETIC	TAB	10MG/12.5MG	00071-0222-23	90.00	Pfizer
ACCURETIC	TAB	20MG/12.5MG	00071-0220-06	30.00	Pfizer
ACCURETIC	TAB	20MG/12.5MG	00071-0220-23	90.00	Pfizer
ACCURETIC	TAB	20MG/25MG	00071-0223-06	30.00	Pfizer
ACCURETIC	TAB	20MG/25MG	00071-0223-23	90.00	Pfizer
CARDURA	TAB	1MG	00049-2750-41	100.00	Pfizer
CARDURA	TAB	1MG	00049-2750-66	100.00	Pfizer
CARDURA	TAB	2MG	00049-2760-41	100.00	Pfizer
CARDURA	TAB	2MG	00049-2760-66	100.00	Pfizer
CARDURA	TAB	4MG	00049-2770-41	100.00	Pfizer
CARDURA	TAB	4MG	00049-2770-66	100.00	Pfizer
CARDURA	TAB	8MG	00049-2780-41	100.00	Pfizer
CARDURA	TAB	8MG	00049-2780-66	100.00	Pfizer
CELONTIN	CAP	150MG	00071-0537-24	100.00	Pfizer
CELONTIN	CAP	300MG	00071-0525-24	100.00	Pfizer
DILANTIN	CAP	100MG	00071-0362-24	100.00	Pfizer
DILANTIN	CAP	100MG	00071-0362-32	1,000.00	Pfizer
DILANTIN	CAP	100MG	00071-0362-40	100.00	Pfizer
DILANTIN	CAP	100MG	00071-0362-41	84.00	Pfizer
DILANTIN	CAP	100MG/16MG	00071-0375-24	100.00	Pfizer
DILANTIN	CAP	100MG/16MG	00071-0375-32	1,000.00	Pfizer
DILANTIN	CAP	100MG/32MG	00071-0531-24	100.00	Pfizer
DILANTIN	CAP	100MG/32MG	00071-0531-32	1,000.00	Pfizer
DILANTIN	CAP	100MG/32MG	00071-0531-40	100.00	Pfizer
DILANTIN	SUS	125MG/5ML	00071-2214-20	240.00	Pfizer
DILANTIN	SUS	125MG/5ML	00071-2214-40	500.00	Pfizer
DILANTIN	INJ	250MG	00071-4475-45	125.00	Pfizer
DILANTIN	CAP	30MG	00071-0365-24	100.00	Pfizer
DILANTIN	CAP	30MG	00071-0365-32	1,000.00	Pfizer
DILANTIN	CAP	30MG	00071-0365-40	100.00	Pfizer
DILANTIN	PEDLIQ	30MG/5ML	00071-2315-20	240.00	Pfizer
DILANTIN	PEDLIQ	30MG/5ML	00071-2315-40	500.00	Pfizer
DILANTIN	TAB	50MG	00071-0007-24	100.00	Pfizer
DILANTIN	TAB	50MG	00071-0007-40	100.00	Pfizer
DILANTIN	INJ	50MG/1ML	00071-4488-41	20.00	Pfizer
DILANTIN	INJ	50MG/1ML	00071-4488-45	50.00	Pfizer
DILANTIN	INJ	50MG/1ML	00071-4488-47	20.00	Pfizer
DILANTIN	INJ	50MG/1ML	00071-4488-46	50.00	Pfizer
ESTROSTEP FE	TAB	1MG/20MG	00071-0928-15	840.00	Pfizer
ESTROSTEP FE	TAB	1MG/20MG	00071-0928-47	140.00	Pfizer
FEMHRT	TAB	1MG/5MCG	00071-0144-23	90.00	Pfizer
FEMHRT	TAB	1MG/5MCG	00071-0144-45	140.00	Pfizer

PH-063480

## Pfizer and Pharmacia Drugs -- Package Sizes

LIPITOR	TAB	10MG	00071-0155-23	90.00	Pfizer
LIPITOR	TAB	10MG	00071-0155-34	5,000.00	Pfizer
LIPITOR	TAB	10MG	00071-0155-40	100.00	Pfizer
LIPITOR	TAB	20MG	00071-0156-23	90.00	Pfizer
LIPITOR	TAB	20MG	00071-0156-40	100.00	Pfizer
LIPITOR	TAB	20MG	00071-0156-94	5,000.00	Pfizer
LIPITOR	TAB	40MG	00071-0157-23	90.00	Pfizer
LIPITOR	TAB	40MG	00071-0157-73	500.00	Pfizer
LIPITOR	TAB	80MG	00071-0158-23	90.00	Pfizer
LIPITOR	TAB	80MG	00071-0158-73	500.00	Pfizer
LOPID	CAP	300MG	00071-0669-24	100.00	Pfizer
LOPID	CAP	300MG	00071-0669-30	500.00	Pfizer
LOPID	TAB	600MG	00071-0737-20	60.00	Pfizer
LOPID	TAB	600MG	00071-0737-30	500.00	Pfizer
LOPID	TAB	600MG	00071-0737-40	100.00	Pfizer
MINIZIDE	CAP	1MG	00069-4300-66	100.00	Pfizer
MINIZIDE	CAP	1MG	00663-4300-66	100.00	Pfizer
MINIZIDE	CAP	1MG	00663-4300-66	100.00	Pfizer
MINIZIDE	CAP	2MG	00069-4320-66	100.00	Pfizer
MINIZIDE	CAP	2MG	00663-4320-66	100.00	Pfizer
MINIZIDE	CAP	2MG	00663-4320-66	100.00	Pfizer
MINIZIDE	CAP	5MG	00069-4360-66	100.00	Pfizer
MINIZIDE	CAP	5MG	00663-4360-66	100.00	Pfizer
MINIZIDE	CAP	5MG	00663-4360-66	100.00	Pfizer
NARDIL	TAB	15MG	00071-0270-24	100.00	Pfizer
NARDIL	TAB	15MG	00071-0350-24	100.00	Pfizer
NEURONTIN	CAP	100MG	00071-0803-24	100.00	Pfizer
NEURONTIN	CAP	100MG	00071-0803-40	50.00	Pfizer
NEURONTIN	ORAL SOL	250MG/5ML	00071-2012-23	470.00	Pfizer
NEURONTIN	CAP	300MG	00071-0805-24	100.00	Pfizer
NEURONTIN	CAP	300MG	00071-0805-40	50.00	Pfizer
NEURONTIN	CAP	400MG	00071-0806-24	100.00	Pfizer
NEURONTIN	CAP	400MG	00071-0806-40	50.00	Pfizer
NEURONTIN	TAB	600MG	00071-0416-24	100.00	Pfizer
NEURONTIN	TAB	600MG	00071-0513-24	100.00	Pfizer
NEURONTIN	TAB	800MG	00071-0426-24	100.00	Pfizer
NEURONTIN	TAB	800MG	00071-0401-24	100.00	Pfizer
NITROSTAT	SUBTAB	0.15MG	00071-0568-13	100.00	Pfizer
NITROSTAT	SUBTAB	0.15MG	00071-0568-24	100.00	Pfizer
NITROSTAT	TAB	0.3MG	00071-0417-24	100.00	Pfizer
NITROSTAT	SUBTAB	0.3MG	00071-0569-24	100.00	Pfizer
NITROSTAT	TAB	0.4MG	00071-0418-13	100.00	Pfizer
NITROSTAT	TAB	0.4MG	00071-0418-24	100.00	Pfizer
NITROSTAT	SUBTAB	0.4MG	00071-0570-13	100.00	Pfizer
NITROSTAT	SUBTAB	0.4MG	00071-0570-24	100.00	Pfizer
NITROSTAT	TAB	0.6MG	00071-0419-24	100.00	Pfizer
NITROSTAT	SUBTAB	0.6MG	00071-0571-24	100.00	Pfizer
NITROSTAT	SUBTAB	0.6MG	00071-0571-13	100.00	Pfizer
NITROSTAT	INJ	100MG/10ML	00071-4579-35	1.00	Pfizer
NITROSTAT	INJ	100MG/10ML	00071-4579-45	100.00	Pfizer
NITROSTAT	EXTONT	30GM	00071-3001-13	1.00	Pfizer

PH-063481

## Pfizer and Pharmacia Drugs -- Package Sizes

NITROSTAT	INJ	50MG/10ML	00071-4575-10	100.00	Pfizer
NITROSTAT	INJ	50MG/10ML	00071-4575-36	1.00	Pfizer
NITROSTAT	INJ	50MG/10ML	00071-4575-45	100.00	Pfizer
NITROSTAT	EXTONT	60GM	00071-3001-15	1.00	Pfizer
NITROSTAT	INJ	8MG/10ML	00071-4572-10	100.00	Pfizer
NITROSTAT	INJ	8MG/10ML	00071-4572-36	1.00	Pfizer
RENESE	TAB	1MG	00069-3750-66	100.00	Pfizer
RENESE	TAB	2.25MG	00069-4460-66	100.00	Pfizer
RENESE	TAB	2.25MG	00069-4460-82	1,000.00	Pfizer
RENESE	TAB	2MG	00069-3760-66	100.00	Pfizer
RENESE	TAB	4MG	00069-3770-66	100.00	Pfizer
RESCRIPTOR	TAB	100MG	00009-3761-03	360.00	Pfizer
RESCRIPTOR	TAB	100MG	63010-0020-36	360.00	Pfizer
RESCRIPTOR	TAB	200MG	00009-7576-01	180.00	Pfizer
RESCRIPTOR	TAB	200MG	63010-0021-18	180.00	Pfizer
VIRACEPT	TAB	250MG	63010-0010-27	270.00	Pfizer
VIRACEPT	TAB	250MG	63010-0010-30	300.00	Pfizer
VIRACEPT	PWDR	50MG/1GM	63010-0011-90	144.00	Pfizer
ZARONTIN	CAP	250MG	00071-0237-24	100.00	Pfizer
ZARONTIN	SYRUP	250MG/5ML	00071-2418-23	480.00	Pfizer
ZITHROMAX	ORAL SUSP	1200MG	00069-3140-19	30.00	Pfizer
ZITHROMAX	EA	1GM	00069-3051-07	10.00	Pfizer
ZITHROMAX	EA	1GM	00069-3051-75	3.00	Pfizer
ZITHROMAX	ORAL SUSP	200MG/5ML	00069-3120-19	15.00	Pfizer
ZITHROMAX	ORAL SUSP	200MG/5ML	00069-3130-19	22.50	Pfizer
ZITHROMAX	CAP	250MG	00069-3050-30	30.00	Pfizer
ZITHROMAX	CAP	250MG	00069-3050-34	18.00	Pfizer
ZITHROMAX	CAP	250MG	00069-3050-50	50.00	Pfizer
ZITHROMAX	CAP	250MG	00069-3050-86	50.00	Pfizer
ZITHROMAX	TAB	250MG	00069-3060-30	30.00	Pfizer
ZITHROMAX	TAB	250MG	00069-3060-75	18.00	Pfizer
ZITHROMAX	TAB	250MG	00069-3060-86	50.00	Pfizer
ZITHROMAX	ORAL SUSP	300MG	00069-3110-19	15.00	Pfizer
ZITHROMAX	TAB	500MG	00069-3070-30	30.00	Pfizer
ZITHROMAX	TAB	500MG	00069-3070-75	9.00	Pfizer
ZITHROMAX	TAB	500MG	00069-3070-86	50.00	Pfizer
ZITHROMAX	TAB	600MG	00069-3080-30	30.00	Pfizer
ZITHROMAX I.V.	VIAL	500MG	00069-3150-14	10.00	Pfizer
ZITHROMAX I.V.	VIAL	500MG	00069-3150-83	10.00	Pfizer
ZOLOFT	TAB	100MG	00049-4910-41	100.00	Pfizer
ZOLOFT	TAB	100MG	00049-4910-50	50.00	Pfizer
ZOLOFT	TAB	100MG	00049-4910-66	100.00	Pfizer
ZOLOFT	TAB	100MG	00049-4910-73	500.00	Pfizer
ZOLOFT	TAB	100MG	00049-4910-94	5,000.00	Pfizer
ZOLOFT	ORAL CONC	20MG/ML	00049-4940-23	60.00	Pfizer
ZOLOFT	TAB	25MG	00049-4960-50	50.00	Pfizer
ZOLOFT	TAB	50MG	00049-4900-41	100.00	Pfizer
ZOLOFT	TAB	50MG	00049-4900-50	50.00	Pfizer
ZOLOFT	TAB	50MG	00049-4900-66	100.00	Pfizer
ZOLOFT	TAB	50MG	00049-4900-73	500.00	Pfizer
ZOLOFT	TAB	50MG	00049-4900-94	5,000.00	Pfizer

PH-063482

## Pfizer and Pharmacia Drugs -- Package Sizes

ZYRTEC	TAB	10MG	00069-5510-66	100.00	Pfizer
ZYRTEC	SYRUP	1MG/1ML	00069-5530-47	120.00	Pfizer
ZYRTEC	SYRUP	1MG/1ML	00069-5530-93	480.00	Pfizer
ZYRTEC	TAB	5MG	00069-5500-66	100.00	Pfizer
ZYRTEC-D	TAB	5MG	00069-1630-66	100.00	Pfizer
ADRIAMYCIN	EA	10 MG	00013-1086-91	1.00	Pharmacia
ADRIAMYCIN	ML	10 MG	00013-1136-91	5.00	Pharmacia
ADRIAMYCIN	ML	10 MG	00013-1236-91	5.00	Pharmacia
ADRIAMYCIN	EA	150 MG	00013-1116-83	1.00	Pharmacia
ADRIAMYCIN	ML	150 MG	00013-1286-83	75.00	Pharmacia
ADRIAMYCIN	EA	20 MG	00013-1096-91	1.00	Pharmacia
ADRIAMYCIN	EA	20 MG	00013-1096-94	26.00	Pharmacia
ADRIAMYCIN	ML	20 MG	00013-1246-91	10.00	Pharmacia
ADRIAMYCIN	ML	200 MG	00013-1166-83	100.00	Pharmacia
ADRIAMYCIN	ML	200 MG	00013-1266-83	100.00	Pharmacia
ADRIAMYCIN	EA	50 MG	00013-1106-79	1.00	Pharmacia
ADRIAMYCIN	ML	50 MG	00013-1256-79	25.00	Pharmacia
ADRIAMYCIN	ML	75 MG	00013-1176-87	37.50	Pharmacia
ADRIAMYCIN	ML	N/A	00013-1146-91	10.00	Pharmacia
ADRIAMYCIN	ML	N/A	00013-1146-94	1.00	Pharmacia
ADRIAMYCIN	ML	N/A	00013-1156-79	25.00	Pharmacia
ADRIAMYCIN	ML	N/A	00013-1006-91	1.00	Pharmacia
ADRIAMYCIN	ML	N/A	00013-1016-79	1.00	Pharmacia
ADRIAMYCIN	ML	N/A	00013-1076-94	1.00	Pharmacia
ADRUCIL	ML	2.5 GR	00013-1046-94	50.00	Pharmacia
ADRUCIL	ML	5 GR	00013-1056-91	1.00	Pharmacia
ADRUCIL	ML	5 GR	00013-1056-94	100.00	Pharmacia
ADRUCIL	ML	500 MG	00013-1036-91	10.00	Pharmacia
ADRUCIL	ML	500 MG	00013-1036-95	1.00	Pharmacia
ADRUCIL	ML	N/A	00013-1026-91	26.00	Pharmacia
AMPHOCIN	EA	50 MG	00013-1405-44	1.00	Pharmacia
BLEOMYCIN	EA	15 IU	00013-1616-78	1.00	Pharmacia
BLEOMYCIN	EA	30 IU	00013-1636-86	1.00	Pharmacia
CELEBREX	CAP	100 MG	00025-1520-31	100.00	Pharmacia
CELEBREX	CAP	100 MG	00025-1520-34	100.00	Pharmacia
CELEBREX	CAP	100 MG	00025-1520-51	500.00	Pharmacia
CELEBREX	CAP	200 MG	00025-1525-31	100.00	Pharmacia
CELEBREX	CAP	200 MG	00025-1525-34	100.00	Pharmacia
CELEBREX	CAP	200 MG	00025-1525-51	500.00	Pharmacia
CELEBREX	CAP	400 MG	00025-1530-01	100.00	Pharmacia
CELEBREX	CAP	400 MG	00025-1530-02	60.00	Pharmacia
CLEOCIN	ML	1 PCT	00009-3116-01	30.00	Pharmacia
CLEOCIN	ML	1 PCT	00009-3116-02	60.00	Pharmacia
CLEOCIN	ML	1 PCT	00009-3116-14	60.00	Pharmacia
CLEOCIN	ML	1 PCT	00009-3329-01	60.00	Pharmacia
CLEOCIN	GM	1 PCT	00009-3331-01	60.00	Pharmacia
CLEOCIN	GM	1 PCT	00009-3331-02	30.00	Pharmacia
CLEOCIN	SUP	100 MG	00009-7667-01	3.00	Pharmacia
CLEOCIN	CAP	150 MG	00009-0225-01	16.00	Pharmacia
CLEOCIN	CAP	150 MG	00009-0225-02	100.00	Pharmacia
CLEOCIN	CAP	150 MG	00009-0225-03	100.00	Pharmacia

PH-063483

## Pfizer and Pharmacia Drugs -- Package Sizes

CLEOCIN	GM	2 PCT	00009-3448-01	40.00	Pharmacia
CLEOCIN	GM	2 PCT	00009-3448-04	21.00	Pharmacia
CLEOCIN	CAP	300 MG	00009-0395-02	100.00	Pharmacia
CLEOCIN	CAP	300 MG	00009-0395-13	16.00	Pharmacia
CLEOCIN	CAP	300 MG	00009-0395-14	100.00	Pharmacia
CLEOCIN	ML	600 MG	00009-3375-01	50.00	Pharmacia
CLEOCIN	ML	600 MG	00009-3375-02	1,200.00	Pharmacia
CLEOCIN	CAP	75 MG	00009-0331-02	100.00	Pharmacia
CLEOCIN	ML	75 MG/5ML	00009-0760-04	100.00	Pharmacia
CLEOCIN	ML	900 MG	00009-0902-11	6.00	Pharmacia
CLEOCIN	ML	900 MG	00009-0902-18	150.00	Pharmacia
CLEOCIN	ML	900 MG	00009-3382-01	50.00	Pharmacia
CLEOCIN	ML	900 MG	00009-3382-02	1,200.00	Pharmacia
CLEOCIN	ML	900 MG	00009-3447-01	6.00	Pharmacia
CLEOCIN	ML	900 MG	00009-3447-03	150.00	Pharmacia
CYTOSAR	EA	1 G	00009-3295-01	1.00	Pharmacia
CYTOSAR	EA	2 G	00009-3296-01	1.00	Pharmacia
CYTOSAR	EA	500 MG	00009-0473-01	1.00	Pharmacia
CYTOSAR-U	EA	100 MG	00009-0373-01	1.00	Pharmacia
DEPO-TESTOST	ML	100 MG/ML	00009-0347-02	10.00	Pharmacia
DEPO-TESTOST	ML	200 MG/ML	00009-0417-01	1.00	Pharmacia
DEPO-TESTOST	ML	200 MG/ML	00009-0417-02	10.00	Pharmacia
NEOSAR	EA	1 GR	00013-5636-70	1.00	Pharmacia
NEOSAR	EA	100 MG	00013-5606-93	1.00	Pharmacia
NEOSAR	EA	2 GR	00013-5646-70	1.00	Pharmacia
NEOSAR	EA	200 MG	00013-5616-93	1.00	Pharmacia
NEOSAR	EA	500 MG	00013-5626-93	1.00	Pharmacia
SOLU-CORTEF	EA	100 MG	00009-0825-01	1.00	Pharmacia
SOLU-CORTEF	EA	100 MG	00009-0900-13	1.00	Pharmacia
SOLU-CORTEF	EA	100 MG	00009-0900-15	2.00	Pharmacia
SOLU-CORTEF	EA	100 MG	00009-0900-20	25.00	Pharmacia
SOLU-CORTEF	EA	1000 MG	00009-0920-03	1.00	Pharmacia
SOLU-CORTEF	EA	250 MG	00009-0909-08	1.00	Pharmacia
SOLU-CORTEF	EA	250 MG	00009-0909-09	2.00	Pharmacia
SOLU-CORTEF	EA	250 MG	00009-0909-16	25.00	Pharmacia
SOLU-CORTEF	EA	500 MG	00009-0912-05	1.00	Pharmacia
SOLU-MEDROL	EA	1 G	00009-0698-01	1.00	Pharmacia
SOLU-MEDROL	EA	1 G	00009-3389-01	1.00	Pharmacia
SOLU-MEDROL	EA	1000 MG	00009-0911-05	1.00	Pharmacia
SOLU-MEDROL	EA	125 MG	00009-0190-09	1.00	Pharmacia
SOLU-MEDROL	EA	125 MG	00009-0190-10	1.00	Pharmacia
SOLU-MEDROL	EA	125 MG	00009-0190-16	25.00	Pharmacia
SOLU-MEDROL	EA	2 G	00009-0796-01	1.00	Pharmacia
SOLU-MEDROL	EA	2 G	00009-0988-01	1.00	Pharmacia
SOLU-MEDROL	EA	40 MG	00009-0113-12	1.00	Pharmacia
SOLU-MEDROL	EA	40 MG	00009-0113-13	1.00	Pharmacia
SOLU-MEDROL	EA	40 MG	00009-0113-19	25.00	Pharmacia
SOLU-MEDROL	EA	500 MG	00009-0758-01	1.00	Pharmacia
SOLU-MEDROL	EA	500 MG	00009-0765-02	1.00	Pharmacia
SOLU-MEDROL	EA	500 MG	00009-0887-01	1.00	Pharmacia
TOPOSAR	ML	100 MG	00013-7336-91	5.00	Pharmacia

PH-063484



## Pfizer and Pharmacia Drugs -- Package Sizes

TOPOSAR	ML	200 MG	00013-7346-94	10.00	Pharmacia
TOPOSAR	ML	500 MG	00013-7356-88	25.00	Pharmacia
VINCASAR	ML	1 MG/ML	00013-7458-86	1.00	Pharmacia
VINCASAR	ML	2 MG/ML	00013-7466-86	2.00	Pharmacia

PH-063485



JUL-08-2005 11:01

MORGAN LEWIS PHILADELPHIA

215 963 5001 P.02/02

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**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

Erica Smith-Klocek  
215-963-5364  
esklocek@morganlewis.com

July 8, 2005

**VIA TELECOPY**

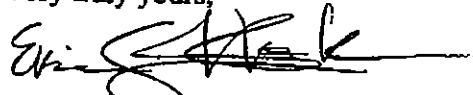
Steve W. Berman, Esquire  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue  
Suite 2900  
Seattle, WA 98101

Re: AWP Litigation

Dear Steve:

I write in response to your letter to Scott Stempel dated July 7, 2005. We are preparing a production with respect to the drugs named in paragraph 115 of the Second Amended Master Consolidated Class Action Complaint. If there are additional physician-administered Pharmacia drugs at issue, please let me know.

Very truly yours,



Erica Smith-Klocek

ESK/ss

cc: Scott A. Stempel, Esquire

Philadelphia Washington New York Los Angeles San Francisco Miami Pittsburgh Princeton  
Chicago Palo Alto Dallas Harrisburg Irvine Boston London Paris Brussels Frankfurt Tokyo

TOTAL P.02

JUL-05-2005 14:42

MORGAN LEWIS PHILADELPHIA

215 963 5001 P.02/02

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Fax: 215.963.5001  
www.morganlewis.com

**Morgan Lewis**  
C O U N S E L O R S   A T   L A W

Erica Smith-Kloczek  
215-963-5364  
eskloczek@morganlewis.com

July 5, 2005

**VIA TELECOPY**

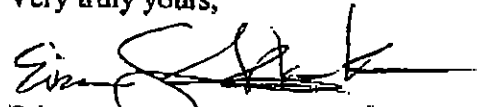
Steve W. Berman, Esquire  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue  
Suite 2900  
Seattle, WA 98101

Re: AWP Litigation

Dear Steve:

I write in response to your letter to Scott Stempel dated July 1, 2005. We are in the process of preparing a production and expect to begin rolling documents to you in the next two to three weeks. In order to keep this process moving along, it would be helpful if you could provide a list of the Pharmacia drugs that plaintiffs consider to be physician-administered.

Very truly yours,



Erica Smith-Kloczek

ESK/ss

cc: Scott A. Stempel, Esquire



HAGENS BERMAN  
SOBOL SHAPIRO LLP

STEVE W. BERMAN  
DIRECT • (206) 224-9320  
STEVE@HBSSLAW.COM

July 1, 2005

*Via Facsimile*

Mr. Scott A. Stempel  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave. NW  
Washington, D.C. 20004

Re: AWP Litigation

Dear Scott:

We have written several times to get the Pharmacia document production rolling. Unless we receive a commitment to begin receipt of documents we will be forced to make a motion for sanctions for failure to comply with CMO 10.

Sincerely,

Steve W. Berman



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June 9, 2005

**Via Facsimile**

Mr. Scott A. Stempel  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave. NW  
Washington, D.C. 20005

Re: Pharmacia/Pfizer - AWP Litigation

Dear Scott:

We need to get moving on the production and the witnesses whose depositions we have noticed. Please get back to me. (See my letters of 5/13, 5/19, 5/23, and 5/31).

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', with a long, sweeping horizontal line extending to the right.

Steve W. Berman

SWB:hw



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May 31, 2005

Via Facsimile

Mr. Scott A. Stempel  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave. NW  
Washington, D.C. 20005

Re: AWP Litigation

Dear Scott:

As a follow up to earlier letters we need to get the document production rolling.

Please propose some dates for a 30(b)(6) or we will have to simply set them.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', written in a cursive style.

Steve W. Berman

SWB:hw

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C O U N S E L O R S   A T   L A W

Erica J. Smith-Klocek  
215.963.5364

JUN 02 2005

May 31, 2005

MORGAN LEWIS & BOCKIUS LLP

**VIA FACSIMILE AND MAIL**

Steve W. Berman, Esquire  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

Re: In re Pharmaceutical Industry AWP Litigation

Dear Steve:

I write in response to your letters to Scott Stempel dated May 23, 2005 and May 31, 2005. We are in the process of following up on the "gaps" noted in the attachment to the May 23 letter. We will follow up with you once we have determined what data is available, and when it can be produced.

I also write to confirm that, pursuant to the meet and confer between the parties on May 19, 2005, the 30(b)(6) depositions noticed to Pfizer Inc. and Pharmacia Corporation in Seattle, Washington, will not be going forward on June 1, 2005. We will contact you later this week to follow up on proposed topics, venue and dates.

Sincerely,

  
Erica J. Smith-Klocek

ESK

c: John C. Dodds, Esquire  
Scott A. Stempel, Esquire



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May 23, 2005

Via Facsimile

Mr. Scott A. Stempel  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave. NW  
Washington, D.C. 20005

Re: AWP Litigation

Dear Scott:

Here are the gaps in the data.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', written over a long horizontal line.

Steve W. Berman

SWB:hw

Attachment



**Pfizer Family  
AWP Track 2 Defendant Data Preliminary Assessment  
5/20/05**

**A. Direct Sales Data**

1. Bates #: PF001865 – 1869.
2. Timeframe: Generally, 1997 to 2003.
3. Notes:
  - a. Includes field names and descriptions.
  - b. Raw data are in a text file format – convenient for importing.
4. Gaps:
  - a. **We do not have data prior to 1997.**
  - b. **Customer class of trade information is missing from all files.**
  - c. **See Attachment A below for a list of other details we are missing.**

**B. Chargeback/Indirect Sales Data**

1. Bates #: PF001865 – 1869.
2. Timeframe: Generally, 1997 to 2003.
3. Notes:
  - a. Includes field names and descriptions.
  - b. Raw data are in a text file format – convenient for importing.
4. Gaps:
  - a. **We do not have data prior to 1997.**
  - b. **We do not have for Pfizer legacy<sup>1</sup> products in 1997. Accompanying documentation states that chargeback data are not available for this year.**
  - c. **Customer class of trade information is missing from all files.**

**C. Rebate Data and Administrative Fee Data**

1. **We do not have any electronic rebate or administrative fee data.**

**D. Summary of Gaps**

1. **We do not have sales or chargeback data prior to 1997.**
2. **Customer class of trade information is missing from all direct sales and chargeback files.**
3. **We do not have chargeback data in 1997 for Pfizer legacy products, though documentation states those data are not available.**
4. **We do not have any electronic rebate or administrative fee data.**
5. **See Attachment A below for a list of other details that are missing from the direct sales data.**

---

<sup>1</sup> The data we have received are broken up into separate groups of files for each of the Pfizer family manufacturers: Pfizer, Pharmacia, Parke-Davis/Agouron and Searle (for Celebrex in 1999 and 2000, before it was folded into the Pfizer database).

**Attachment A: Other Details Missing from Pfizer Family Direct Sales Data**  
 (An "X" indicates the item is *missing*.)

1. Customer Identification Information (e.g. customer names and customer ID codes)

Manufacturer	1997	1998	1999	2000	2001	2002	2003
Pfizer		X	X	X	X	X	X
Parke-Davis / Agouron	X	X	X	X	X	X	X
Pharmacia					X	X	X
Searle (Celebrex)	n/a	n/a			n/a	n/a	n/a

2. Transaction Codes (e.g. sale, return, adjustment, etc.)

Manufacturer	1997	1998	1999	2000	2001	2002	2003
Pfizer							
Parke-Davis / Agouron							
Pharmacia	X	X	X	X			
Searle (Celebrex)	n/a	n/a	X	X	n/a	n/a	n/a



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[steve@hbsslaw.com](mailto:steve@hbsslaw.com)

May 19, 2005

Via Facsimile

Mr. Scott A. Stempel  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave. NW  
Washington, D.C. 20005

Re: AWP Litigation

Dear Scott:

This is a follow up to our brief meet and confer.

1. Data: You are correct that we have some data. Our experts tell me we are missing rebate and administrative fee data. I will get you a letter with some precision on this next week.
2. We will want to pursue discovery on all physician administered drugs. In that regard we want to discuss your responses to RFP's 10 and 43-49 of the omnibus set, as well as timing, location and other logistical issues.
3. We do want to schedule 30(b)(6) depositions on these drugs.
4. On retail drugs we will want to pursue discovery on Estrostep. Once we get more final data we can pinpoint other retail drugs.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Berman', with a long, sweeping horizontal line extending to the right.

Steve W. Berman

SWB:hw



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SEAN R. MATT  
(206) 224-9327  
[sean@hbsslw.com](mailto:sean@hbsslw.com)

May 17, 2005

**Via Facsimile**

Mr. Mark D. Smith  
Laredo & Smith LLP  
15 Broad Street, Suite 600  
Boston, MA 02109

Re: In re Pharmaceutical Industry AWP Litigation  
Data Requests to Pharmacia

Dear Mark:

We have not yet had a response from you in regard to our letter of April 20 and the Rule 30(b)(6) deposition notice contained therein. Please contact us this week to discuss these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean R. Matt', written in a cursive style.

Sean R. Matt

cc: Steve W. Berman, Esq.



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May 13, 2005

*Via Facsimile*

Mr. Scott A. Stempel  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave. NW  
Washington, D.C. 20005

Re: AWP Litigation

Dear Mr. Stempel:

Please get back to me on when we can receive the data referred to in my letter of April 20, 2005, as well as dates for the 30(b)(6) we noticed.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', written over a horizontal line.

Steve W. Berman

SWB:hw



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May 13, 2005

**Via Facsimile**

Mr. John C. Dodds  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19102

Re: AWP Litigation

Dear Mr. Dodds:

Please get back to me on when we can receive the data referred to in my letter of April 20, 2005, as well as dates for the 30(b)(6) we noticed.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', written over a horizontal line.

Steve W. Berman

SWB:hw



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May 13, 2005

*Via Facsimile*

Mr. John C. Dodds  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19102

Re: AWP Litigation

Dear Mr. Dodds:

This is a follow up to my April 21, 2005 letter regarding a meet and confer on Pharmacia and Pfizer's responses to the omnibus requests.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', written in a cursive style.

Steve W. Berman

SWB:hw





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April 21, 2005

*Via Facsimile*

Mr. John C. Dodds  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19102

Re: AWP

Dear John:

Plaintiffs request a meet and confer on Pharmacia's and Pfizer's response to plaintiffs' Omnibus requests and your response dated May 3, 2004.

In addition to discussing the location of responsive documents we also wish to discuss responses to interrogatories.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', with a long, sweeping horizontal line extending to the right.

Steve W. Berman

SWB:dld



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SEAN R. MATT  
(206) 224-9327  
[sean@hbsslaw.com](mailto:sean@hbsslaw.com)

April 20, 2005

**Via Facsimile**

Mr. Mark D. Smith  
Laredo & Smith LLP  
15 Broad Street, Suite 600  
Boston, MA 02109

Re: In re Pharmaceutical Industry AWP Litigation

Dear Mark:

As you are aware, the Court has issued CMO No. 14, which sets forth various pre-trial deadlines for the Phase II defendants, including a discovery cut-off of December 3, 2005. Plaintiffs have served your client, Pharmacia, with multiple requests for production and interrogatories that seek, among other things, financial data relating to the sales of drugs that are the subject of the AMCC (the "Subject Drugs"). Indeed, Plaintiffs' requests that Pharmacia produce financial information date back to June 2003.<sup>1</sup>

Based on experience gained by working with the Phase I defendants, Plaintiffs have refined their requests for sales-related data. For each of the Subject Drugs (by NDC), please provide the following information in ASCII text file or similar electronic format for the relevant time period:

- (a) All sales transaction data (as well as any discounts or any other price adjustments or offsets contained in the transaction data), including (i) price, (ii) number of units sold, (iii) transaction date, (iv) information sufficient to identify the type of transaction (*e.g.*, a sale, a return, etc.), (v) information sufficient to identify the product (*e.g.*, NDC, product description, form, strength, etc.), (vi) information sufficient to identify the customer,

---

<sup>1</sup> Plaintiffs' prior requests for financial data can be found in discovery sets served on your client on June 17, 2003 (Request Nos. 27-28); June 19, 2003 (Request Nos. 19, 34 and 35); December 3, 2003 (Request Nos. 18, 33-34; Interrog. No. 1); and March 31, 2004 (Request Nos. 25-28; Interrog. No. 1).

April 20, 2005

Page 2

- (vii) class of trade designations, and (viii) information sufficient to identify whether the units sold were intended for repackaging, along with the name of the repackager to which the units were sold.
- (b) All chargeback transactions, including (i) amount, (ii) date of credit, and (iii) information sufficient to identify the customer, class of trade designations (if any), and wholesaler to which the chargeback was paid, and (iv) the underlying contract price paid by the ultimate customer.
  - (c) All rebate transactions, including (i) amount, (ii) date of rebate, (iii) information sufficient to identify the type of rebate, (iv) information sufficient to identify the customer, and (v) class of trade designations (if any).
  - (d) All administrative fee transactions, including (i) amount, (ii) date of payment, (iii) information sufficient to identify the type of administrative fee (if applicable), (iv) information sufficient to identify the customer, and (v) class of trade designations (if any).
  - (e) Any other discounts not reflected in the above (a through d), including but not limited to discounts achieved through bundling one product with another.
  - (f) Include complete documentation for all items above (a through e) such as lists of fields, descriptions of information contained in those fields (*e.g.*, field lengths, formats, etc.), and descriptions of any codes used in any fields (such as class of trade designations).


Exclude all sales to government entities (*e.g.*, State Agencies, Veteran's Administration Facilities, Military, Federal Government Programs, Public Health Service, etc.). Sales to all other entities should be included, including sales to hospitals.

Plaintiffs request that Pharmacia produce this data in the above-requested format within 30 days. If you will be unable to provide this information within 30 days for all of the Subject Drugs, Plaintiffs ask that Pharmacia first produce the requested data for all physician-administered drugs within 30 days, followed by a supplemental production of data for the remaining drugs 30 days thereafter.

April 20, 2005  
Page 3

We have also enclosed Rule 30(b)(6) deposition notices on this topic so that Plaintiffs can learn about the manner in which Pharmacia maintains sales data for its Subject Drugs.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean R. Matt". The signature is written in a cursive, flowing style.

Sean R. Matt

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John C. Dodds  
215.963.4942  
jdodds@morganlewis.com

October 20, 2003

**VIA TELEFAX/U.S. MAIL**

Steve W. Berman, Esquire  
Hagens Berman LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

**Re:   In re: Pharmaceutical Industry Average Wholesale Price Litigation**  
**MDL No. 1456**

Dear Steve:

I have your October 15, 2003 letter. I believe that the Court's September 30, 2003 Order (copy attached) disposes of this issue. Please call me to discuss it if you disagree.

Very truly yours,



John C. Dodds

JCD/kd

RECEIVED

2003

PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION

OCT-20-2003 15:48

MORGAN LEWIS PHILA.

1215 963 5001 P.03/03



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO ALL  
CLASS ACTIONS

**PLAINTIFFS' [CORRECTED] MOTION TO COMPEL COMPLIANCE WITH CMO  
NO. 7 AGAINST DEFENDANTS ABBOTT, DEY, SCHERING-PLOUGH AND WARRICK**

Plaintiffs respectfully move this Court for an Order requiring Defendants Abbott, Dey, Schering-Plough and Warrick to comply with Case Management Order No. 7, Section II, paragraph 3, which requires "all non-dismissed defendants to supplement their document production" within 30 days by producing any documents produced by a "non-dismissed defendant in response to subpoenas issued by the House Energy and Commerce Committee

....."

Each of the aforementioned Defendants have received a letter from the U.S. House Committee on Energy and Commerce on June 26, 2003 requesting the production of documents relating to AWP issues. Each of these Defendants has refused to supplement their document production to Plaintiffs in accordance with CMO No. 7 claiming that because they are manufacturers of multi-source drugs, Section II, paragraph 3 of CMO No. 7 does not apply to them. Plaintiffs disagree.

- 1 -

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October 15, 2003

*Via Facsimile*

Mr. John C. Dodds  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19102

Re: AWP/MDL Litigation

Dear John:

We should have received documents from Pharmacia that were produced to the House Commerce committee by now. Where are they.

Sincerely,

A handwritten signature in black ink, appearing to be "Steve W. Berman", written over a horizontal line.

Steve W. Berman

SWB:hw





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September 18, 2003

**Via Facsimile**

Mr. John C. Dodds  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Re: CMO 7-Pharmacia

Dear John:

Case Management Order No. 7, paragraph 3, requires production within 30 days of the order, not 30 days after the production. Plaintiffs don't see, even if there was ambiguity, why it would take 30 days to produce something already gathered.

I suggest that the documents be sent to the HB Boston office by September 25, 2003.

Sincerely,

A handwritten signature in dark ink, appearing to be "Steve W. Berman", with a long, sweeping horizontal line extending to the right.

Steve W. Berman

SWB:hw

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John C. Dodds  
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jdodds@morganlewis.com

RECEIVED

SEP 1 2003

September 16, 2003

HAGENS BERMAN, LLP

**VIA TELEFAX/U.S. MAIL**

Steve W. Berman, Esquire  
Hagens Berman LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

**Re:    In re: Pharmaceutical Industry Average Wholesale Price Litigation**  
**MDL No. 1456**

Dear Steve:

On behalf of Pharmacia Corporation, I am writing to respond to your September 10, 2003 letter. Pharmacia produced documents to the House Energy and Commerce Committee on Monday, September 8, 2003. We intend to produce these documents to plaintiffs within thirty (30) days of that date, as required by CTO #7.

Please call me if you would like to discuss this issue.

Very truly yours,

  
John C. Dodds

JCD/vdh

c:    All Counsel of Record (via Verilaw)

**HAGENS BERMAN LLP**  
*Attorneys at Law*

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STEVE W. BERMAN  
(206) 224-9320  
[steve@hagens-berman.com](mailto:steve@hagens-berman.com)

August 11, 2003

**Via Facsimile & Verilaw**

Mr. D. Scott Wise  
Davis Polk & Wardwell  
450 Lexington Ave  
New York, NY 10017

Re: AWP

Dear Scott:

Following Judge Saris' Case Management Order [7] of September 7, 2003, we have reviewed the Master Consolidated Complaint in the AWP-MDL litigation in order to discern those drugs for which discovery can proceed at the present time. Accordingly, our understanding is that beyond those defendants with whom we have reached an agreement as to the scope of discovery prior to Order No. 7, discovery will proceed with regards to two additional drugs: Pharmacia Group's Solu-Medrol and Schering-Plough Group's Proventil. Attached is a chart summarizing our position.

In addition, the following defendants will be producing discovery consisting of material produced in response to the House Energy and Commerce Committee or any governmental agency within thirty days. This applies to Abbott, Aventis, Behring, Baxter, Boehringer, Braun, Day, Fujisawa, Immunex, Pharmacia, Schering-Plough, and Watson, to the extent they have provided responsive information to governmental agencies.

Please circulate this to your colleagues and let us know if there is any disagreement.

Mr. D. Scott Wise  
August 11, 2003  
Page 2

As to defendants who will be producing pursuant to Section II.3 of CMO No. 7, please let me know of the anticipated time, place, volume, etc. of the production and someone from our side will then follow up.

Sincerely,



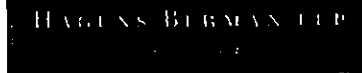
Steve W. Berman

SWB:tw

**SUMMARY CHART OF DRUGS FOR WHICH DISCOVERY CAN PROCEED  
PURSUANT TO CASE MANAGEMENT ORDER [7]**

<b>DEFENDANT</b>	<b>DRUG(S)</b>	<b>NOTES</b>
Abbott	None*	
Amgen		No discovery sought
AstraZeneca		Agreement as to discovery has been reached
Aventis Group		Agreement on discovery as to Aventis's parent owner has been reached
Baxter	None*	
Bayer		No discovery sought
Boehringer Group	None*	
B. Braun	None*	
BMS Group		Agreement as to discovery has been reached
Dey	None*	
Fujisawa	None*	
GSK Group		Agreement as to discovery has been reached
Hoffman La Roche		No discovery sought
Immunex		Agreement as to discovery has been reached
Johnson & Johnson		Agreement as to discovery has been reached
Novartis		No discovery sought
Pfizer		No discovery sought
Pharmacia Group	Solu-Medrol	
Schering-Plough Group	Proventil	
Sicor Group		No discovery sought.
Tap		No discovery sought.
Watson	None*	

\* This does not include documents that must be produced pursuant to Section II.3 of CMO No. 7.



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November 6, 2002

**VIA FACSIMILE**

Scott A. Stempel  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Mark D. Smith  
Faxon & Laredo, LLP  
15 Broad Street, Suite 600  
Boston, MA 02109-3803

John C. Dodds  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103

Re: In Re: Pharmaceutical Industry Average Wholesale Price Litigation  
MDL No. 1456  
*Attorneys for Pharmacia Corp.; Pharmacia & Upjohn, Inc.; Pfizer, Inc.*

Dear Counsel:

This letter is to discuss the implementation of Case Management Order No. 5.

As you are aware, on October 28, 2002 the Court entered an order requiring each Defendant to produce, on or before December 16, 2002, two specified categories of documents relating to (i) existing or previous investigations, and (ii) other legal proceedings. To make sure that the production occurs smoothly, I think it makes sense for us to discuss the method for document production by your clients.

Accordingly, you should expect a telephone call from one of Plaintiffs' co-lead counsel in the next couple of days to discuss the document production. It would be helpful if you had available for our discussion certain basic information relating to the documents, including: (i) whether documents responsive to the Order exist, and if so, a basic description of the existing or previous investigations and/or other legal proceedings in which the documents were previously



Counsel  
November 6, 2002  
Page 2

produced; (ii) an estimate of the magnitude of the prior production or productions (whether in boxes, documents or pages); (iii) whether the documents exist in hardcopy and/or electronic format; (iv) whether any existing document indices exist with respect to the documents, and (v) the location of the documents to be produced.

I addressed previously the issue of the protective order. My office has heard from the sub-committee for the Defendants, and my hope is that we are able to resolve those issues in the meanwhile as well.

Very truly yours,

*Thomas M. Sobol (aa)*

Thomas M. Sobol

TMS:aa

cc: All Counsel



# Exhibit B

Copy

**HOGAN & HARTSON**  
L.L.P.

JUN 24 2005

REGISTERED MAIL

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June 23, 2005

***CONTAINS HIGHLY CONFIDENTIAL  
INFORMATION; SUBJECT TO  
PROTECTIVE ORDER ENTERED  
IN MDL NO. 1456***

***BY FEDERAL EXPRESS***

Steve W. Berman, Esquire  
Hagens Berman Sobol Shapiro, LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

**Re: Amgen Inc. Data Production – Average Wholesale  
Pricing Litigation, MDL No. 1456**

Dear Steve:

As discussed previously, I am forwarding herewith sales and related data responsive to the plaintiffs' requests for production of documents in the MDL proceedings in Boston. I am also enclosing related documentation in connection with each of the separate data disks to be used in interpreting the data. For ease of reference, the materials being produced herewith have been labeled, "AMGN\_AWP\_09000001 through AMGN\_AWP\_09000050."

In an effort to assist your review of this information, and based on our understanding of the Company's systems, I am providing the following description of the materials being produced with this letter:

1. JDE-Sales. The JDE-Sales data contains records from Amgen's J. D. Edwards System related to sales and returns for certain of Amgen's commercial products. JDE records transactions with direct customers, including wholesalers and health care providers. The date range for this data production is

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NEW YORK BALTIMORE MCLEAN MIAMI DENVER BOULDER COLORADO SPRINGS LOS ANGELES

HOGAN & HARTSON L.L.P.

*CONTAINS HIGHLY CONFIDENTIAL  
INFORMATION; SUBJECT TO PROTECTIVE  
ORDER ENTERED IN MDL NO. 1456*

Steve W. Berman, Esquire  
June 23, 2005  
Page 2

8/13/93 (beginning of system) through 12/31/01.<sup>1</sup> Each of the following products is included in this data set: Aranesp, Epogen, Kineret, Neupogen, and Neulasta.

2. JDE-Credits. The JDE-Credits data contains records from Amgen's JDE System related to credits for a variety of payments to direct customers. Invoices tracked by this data are dated from 8/13/93 (beginning of system) through 12/31/01, and include credits related to chargebacks, wholesaler rebates, and contractual payments related to sales of Aranesp, Epogen, Kineret, Neupogen, and Neulasta.

3. CCS-Chargebacks. The CCS Chargebacks data contains records from Amgen's Contract and Chargeback System. This system tracks requests from wholesalers for reimbursement of the difference between the contracted price at which a product is sold to Amgen customers and the price that the wholesaler paid for that product. Transactions tracked in this data set cover the time frame from 4/1/94 through 12/31/01, and include sales of Aranesp, Epogen, Kineret, Neupogen, and Neulasta.

4. CCSCR-Check Register. The CCS Check Register data contains data from Amgen's CCS System tracking checks issued for payments under Amgen's sales contracts. The data relates to payments made from 1/4/94 (beginning of the system) through 12/31/01, and relates to contract sales of Aranesp, Epogen, Kineret, Neupogen, and Neulasta.

5. Excel Check Register. The Excel Check Register contains data in Excel file format from 1/91 through 12/01, and records contractual payments made to customers. There is some overlap or duplication of payments between the Excel Check Register and the CCS-Check Register.

6. Payment Statement Calculations. The Payment Statement Calculations contain image files of Amgen's Payment Statement Calculations related to payments made to Amgen customers pursuant to sales contracts for certain Amgen commercial products. The reports cover the time frame from Q1

---

<sup>1</sup> All data in this production is being provided without waiver of any objections that Amgen has made regarding scope and time frame of plaintiffs' requests.

HOGAN & HARTSON LLP

*CONTAINS HIGHLY CONFIDENTIAL  
INFORMATION; SUBJECT TO PROTECTIVE  
ORDER ENTERED IN MDL NO. 1456*

Steve W. Berman, Esquire  
June 23, 2005  
Page 3

1998 (when reports became available electronically) through Q4 2001 and relate to sales of Aranesp, Epogen, Kineret, Neupogen, and Neulasta.

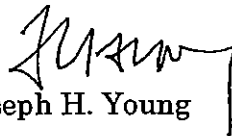
7. CCS Nominal. The CCS Nominal data set contains records from Amgen's CCS System describing customers and contracts. It contains tables identifying contracts, contracted product pricing, contractual rebates, customer information, and related information to facilitate linking of data between different systems. The information contained in the production set covers customer relationships from 1/1/91 through 12/31/01. Although the CCS System did not come online until 1994, certain descriptive information relating to contacts and customer relationships prior to that time has been entered into the system.

In addition, and as noted, we are also producing entity relationship diagrams and tables relating to field names and field descriptions for each of the data sets, to assist you in reviewing and interpreting the data. As you, Steve Barley, and I discussed during our telephone conference several weeks ago, we would be happy to arrange for an informal discussion between consultants and/or information systems analysts or technicians should you or your consultants have questions relating to this production.

The information set forth in this letter and in the accompanying CDs and related documents have been designated "Highly Confidential" pursuant to the terms of the Protective Order entered in MDL No. 1456 and should be handled accordingly. If you have any questions in this regard, please let me know.

As always, should you have any questions regarding this production or any aspect of the case, please feel free to call Steve Barley me.

Very truly yours,



Joseph H. Young

JHY/ct

Enclosures

cc: Steven F. Barley, Esquire



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STEVE W. BERMAN  
(206) 224-9320  
[steve@hbsslw.com](mailto:steve@hbsslw.com)

May 13, 2005

*Via Facsimile*

Mr. Frank A. Libby  
Kelly Libby & Hoopes, P.C.  
175 Federal Street, 8th Floor  
Boston, MA 02110

Re: AWP Litigation

Dear Mr. Libby:

We are awaiting your response to my letter of April 21, 2005 regarding a meet and confer.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', with a long, sweeping horizontal line extending to the right.

Steve W. Berman

SWB:hw



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May 13, 2005

**Via Facsimile**

Mr. Frank A. Libby  
Kelly Libby & Hoopes, P.C.  
175 Federal Street, 8th Floor  
Boston, MA 02110

Re: AWP Litigation

Dear Mr. Libby:

Please get back to me on when we can receive the data referred to in my letter of April 20, 2005, as well as dates for the 30(b)(6) we noticed.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', written in a cursive style.

Steve W. Berman

SWB:hw



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[steve@hbsslaw.com](mailto:steve@hbsslaw.com)

April 21, 2005

*Via Facsimile*

Mr. Frank A. Libby  
Kelly Libby & Hoopes  
175 Federal Street  
Boston, MA 02110

Re: AWP

Dear Mr. Libby:

Plaintiffs wish to have a meet and confer regarding Amgen's responses to plaintiffs' Omnibus requests. Your response was dated June 4, 2004.

In addition to discussing logistics of the production we want to discuss responses to RFP Nos. 8, 10, 11, 13, 19 (which seems to limit the response), 22, 28 (there is nothing ambiguous in the industry with respect to "rebates, chargebacks, discounts, allowances, credits, price/volume discounts"), 36, 38, 39, 42 (don't agree to time cutoff), 49 (spread is not an ambiguous term), 52, 62 (should read the "use of AWP by any participant ...), 70-72 (please propose a sampling method), 75-76 (a sampling won't suffice, we want financial information on fees paid to PBMs), 78-79 (same) (the notion that terms such as "administrative fees" are vague is frivolous) and Interrogatory No. 6.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve W. Berman', written over a horizontal line.

Steve W. Berman

SWB:dld





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April 20, 2005

**Via Facsimile**

Mr. Frank A. Libby, Jr.  
Kelly, Libby & Hoopes, P.C.  
175 Federal Street, 8<sup>th</sup> Floor  
Boston, MA 02110

Re: In re Pharmaceutical Industry AWP Litigation

Dear Frank:

As you are aware, the Court has issued CMO No. 14, which sets forth various pre-trial deadlines for the Phase II defendants, including a discovery cut-off of December 3, 2005. Plaintiffs have served your client, Amgen, with multiple requests for production and interrogatories that seek, among other things, financial data relating to the sales of drugs that are the subject of the AMCC (the "Subject Drugs"). Indeed, Plaintiffs' requests that Amgen produce financial information date back to June 2003.<sup>1</sup>

Based on experience gained by working with the Phase I defendants, Plaintiffs have refined their requests for sales-related data. For each of the Subject Drugs (by NDC), please provide the following information in ASCII text file or similar electronic format for the relevant time period:

- (a) All sales transaction data (as well as any discounts or any other price adjustments or offsets contained in the transaction data), including (i) price, (ii) number of units sold, (iii) transaction date, (iv) information sufficient to identify the type of transaction (*e.g.*, a sale, a return, etc.), (v) information sufficient to identify the product (*e.g.*, NDC; product description, form, strength, etc.), (vi) information sufficient to identify the customer,

---

<sup>1</sup> Plaintiffs' prior requests for financial data can be found in discovery sets served on your client on June 17, 2003 (Request Nos. 27-28); June 19, 2003 (Request Nos. 19, 34 and 35); December 3, 2003 (Request Nos. 18, 33-34; Interog. No. 1); and March 31, 2004 (Request Nos. 25-28; Interog. No. 1).

Mr. Frank A. Libby, Jr.

April 20, 2005

Page 2

- (vii) class of trade designations, and (viii) information sufficient to identify whether the units sold were intended for repackaging, along with the name of the repackager to which the units were sold.
- (b) All chargeback transactions, including (i) amount, (ii) date of credit, and (iii) information sufficient to identify the customer, class of trade designations (if any), and wholesaler to which the chargeback was paid, and (iv) the underlying contract price paid by the ultimate customer.
  - (c) All rebate transactions, including (i) amount, (ii) date of rebate, (iii) information sufficient to identify the type of rebate, (iv) information sufficient to identify the customer, and (v) class of trade designations (if any).
  - (d) All administrative fee transactions, including (i) amount, (ii) date of payment, (iii) information sufficient to identify the type of administrative fee (if applicable), (iv) information sufficient to identify the customer, and (v) class of trade designations (if any).
  - (e) Any other discounts not reflected in the above (a through d), including but not limited to discounts achieved through bundling one product with another.
  - (f) Include complete documentation for all items above (a through e) such as lists of fields, descriptions of information contained in those fields (*e.g.*, field lengths, formats, etc.), and descriptions of any codes used in any fields (such as class of trade designations).

Exclude all sales to government entities (*e.g.*, State Agencies, Veteran's Administration Facilities, Military, Federal Government Programs, Public Health Service, etc.). Sales to all other entities should be included, including sales to hospitals.

Plaintiffs request that Amgen produce this data in the above-requested format within 30 days. If you will be unable to provide this information within 30 days for all of the Subject Drugs, Plaintiffs ask that Amgen first produce the requested data for all physician-administered drugs within 30 days, followed by a supplemental production of data for the remaining drugs 30 days thereafter.

Mr. Frank A. Libby, Jr.  
April 20, 2005  
Page 3

We have also enclosed Rule 30(b)(6) deposition notices on this topic so that Plaintiffs can learn about the manner in which Amgen maintains sales data for its Subject Drugs.

Sincerely,

A handwritten signature in black ink, appearing to be "Steve W. Berman", written in a cursive style.

Steve W. Berman



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September 2, 2004

**VIA VERILAW**

Steve W. Berman, Esquire  
Hagens Berman, LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

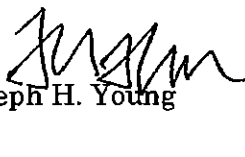
**Re: In re Average Wholesale Pricing Litigation, MDL No. 1456**

Dear Steve:

In response to your letter, and as I mentioned in my voicemail message to you yesterday evening, you are correct that Amgen agreed that it would not object to your filing of a surreply, should plaintiffs elect to do so. That remains the case. In the event plaintiffs decide to file a surreply, you are obviously authorized to represent in your motion for leave to file that Amgen has assented to the filing of the memorandum.

Please feel free to call me if you have any questions.

Very truly yours,

  
Joseph H. Young

JHY:jvd

WASHINGTON, DC

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September 1, 2004

**VIA VERILAW**

Joseph H. Young  
HOGAN & HARTSON LLP  
111 South Calvert Street, Suite 1600  
Baltimore, MD 21202

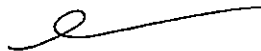
Re: In re Pharmaceutical Industry Average Wholesale Price Litigation  
MDL No. 1456

Dear Mr. Young:

In your recent filing, you represent that plaintiffs assented to the reply. That is partially correct — plaintiffs, per my voicemail, agreed so long as Amgen agrees to allow a surreply. This was not mentioned in the papers which I assume was an oversight.

Can you please correct this?

Sincerely,



Steve W. Berman

SWB:taw



HOGAN & HARTSON  
LLP.

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December 3, 2003

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Steve W. Berman, Esq.  
Hagens Berman, LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

Re: In re Average Wholesale Pricing Litigation, MDL No. 1456

Dear Steve:

I am writing in response to your letter of November 25, 2003, regarding the scope of discovery to which you believe plaintiffs are now entitled following Judge Saris' comments from the bench during the November 21, 2003 hearing. You identify six Amgen products as to which you contend discovery can now proceed: Epogen, Enbrel, Kineret, Aranesp, Neulasta, and Neupogen.

The first three of these products—Epogen, Enbrel and Kineret—fall outside the Court's comments regarding drugs subject to discovery. As plaintiffs concede in the Amended Master Consolidated Complaint, Epogen is not reimbursed in the Medicare Part B context based upon AWP. *See* AMCC ¶ 217 n. 1. Moreover, Enbrel and Kineret are self-administered drugs and thus are not reimbursed under Medicare Part B. Accordingly, under no circumstances should discovery proceed as to these three products at this time.

As to the remaining three Amgen products, we believe that no discovery should be pursued until Judge Saris has ruled on Amgen's pending motion for a continued limited stay of discovery.

Please let me know if you disagree with Amgen's position as set forth herein.

Very truly yours,

  
Joseph H. Young

JHY/ct

cc: John B. Moriarty, Esquire  
Steven F. Barley, Esquire

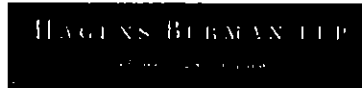
WASHINGTON, DC

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November 6, 2002

**VIA FACSIMILE**

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111 South Calvert Street  
Suite 1600  
Baltimore, MD 21202

Frank A. Libby, Jr.  
Douglas S. Brooks  
Kelly, Libby & Hoopes  
175 Federal Street  
Boston, MA 02110

Re: In Re: Pharmaceutical Industry Average Wholesale Price Litigation  
MDL No. 1456  
*Attorneys for Amgen, Inc.*

Dear Counsel:

This letter is to discuss the implementation of Case Management Order No. 5.

As you are aware, on October 28, 2002 the Court entered an order requiring each Defendant to produce, on or before December 16, 2002, two specified categories of documents relating to (i) existing or previous investigations, and (ii) other legal proceedings. To make sure that the production occurs smoothly, I think it makes sense for us to discuss the method for document production by your clients.

Accordingly, you should expect a telephone call from one of Plaintiffs' co-lead counsel in the next couple of days to discuss the document production. It would be helpful if you had available for our discussion certain basic information relating to the documents, including: (i) whether documents responsive to the Order exist, and if so, a basic description of the existing or previous investigations and/or other legal proceedings in which the documents were previously



Counsel  
November 6, 2002  
Page 2

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I addressed previously the issue of the protective order. My office has heard from the sub-committee for the Defendants, and my hope is that we are able to resolve those issues in the meanwhile as well.

Very truly yours,

*Thomas M. Sobol (aa)*

Thomas M. Sobol

TMS:aa

cc: All Counsel